

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

April 14, 2011

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on April 7, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending April 13, 2011 in the amount of **\$ 237,859.00** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of April 7 – April 13, 2011
- Report from the Building Inspector's Office from March 31 – April 11, 2011
- Statement of cash receipts from the Library from December 1 – December 31, 2010
- Statement from the City Clerk's Office of all monies received during the month of March 2011 in the total amount of \$10,385.73.

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Calnon; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council in the amount of \$ 1,783,526.26 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

Discussion:

**Councilor Jackson** said I just want everybody to know that over \$1.2 million of that is the energy for MLD, a transmission for MLD, bonds for MLD, and transfers to reserve for MLD.

By Councilor Jackson; Seconded by Councilor Rabideau  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL: None**

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**7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves a Change Order to Project HOME-6-2009 at 5497 Peru Street (Gaito) in the total amount of \$770.

By Councilor Tiffer; Seconded by Councilor Jackson  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves Club Caribbean to hold a "Street Jam Carnival" on May 7, 2011 from 12:00 – 4:00 p.m. on Rugar Street.

By Councilor Case; Seconded by Councilor Rabideau  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves Plattco Corporation to close both lanes of White Street between 7 White Street and 18 White Street on Monday, April 18, 2011 from 12:00 – 4:00 pm.

By Councilor Carpenter; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves the Regular Common Council meeting scheduled for Thursday, April 21, 2011 to be changed due to the Good Friday Holiday to Wednesday, April 20, 2011 beginning at 5:30 pm. The work session will begin at 5 pm.

By Councilor Case; Seconded by Councilor Calnon

Discussion:

**Councilor Jackson** said this is going to move the MLD Board meeting up a day too.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves Fire Chief Paul Williams to advertise for bids for Contract # 2011-08 "Furnish One 1750 GPM Fire Department Pumper Truck."

By Councilor Carpenter; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. RESOLUTION:** SEQR Determination – Applications to DEC for Solid Waste and Air permit modifications at Clinton County Compost Facility

**Whereas,** this resolution is based on the following facts and circumstances:

1. Under an Agreement with the County of Clinton made in 1982, the City of Plattsburgh operated the Clinton County Compost Facility (the "Facility") for the treatment of sewage sludge.
2. The Facility has a solid waste permit for in vessel composting and aerated static pile as an emergency back up and an air permit for discharges from in vessel composting and the N Viro process.

3. In April, 2004 the City applied to DEC for permit modifications (the applications were subsequently amended) which in summary and substance would authorize the city to treat a much reduced volume of sewage sludge using the Alkaline Treatment method as an alternative to composting.
4. The applications to modify the permits are the subject of a pending SEQR review proceeding in which the Common Council of the City of Plattsburgh has been designated Lead Agency.
5. The members of the Common Council have reviewed the following documents in connection with this determination of significance:
  - a. Air permit application (separated into parts 1 and 2 on the City website)
  - b. Solid Waste Permit Report
  - c. Environmental Justice Program materials, including
    - i. Public participation plan
    - ii. Public Information meeting slideshow
    - iii. Progress report 1, 2 and final report
    - iv. Tabulation of public comments
  - d. EAF Part 1 06/04/10
  - e. Town of Plattsburgh Letter 12/11/10
  - f. City Letter 01/25/11
  - g. EAF Part 1 revised 11/9/10
  - h. EAF Part 1, supplement dated 1/25/2011
  - i. EAF Part 2 dated 4/6/2011
  - j. EAF Part 3 dated 4/6/2011
  - k. Power Point Presentation on EAF Review given on 4/5/2011

Now, therefore, the Common Council of the City of Plattsburgh finds and resolves:

- A. EAF Part 1 completely and accurately describes the project and action.
- B. EAF Part 2 accurately states the probable size of the impacts from the proposed project.
- C. Notwithstanding the fact that the proposed project will have no potentially large impacts, EAF Part 3 explains why the Common Council finds none of the impacts will be large impacts and why the potentially moderate impacts will not be important impacts.
- D. The Common Council finds the project will not have a significant adverse effect upon the environment and authorizes the Mayor to sign a Negative Declaration to this effect.

- This project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment; therefore **a negative declaration will be prepared.**

**Mayor Kasprzak** said I just want to point out before I ask to move it that number 4: the City of Plattsburgh has been designated Lead Agency, I just want everybody to know that.

By Councilor Jackson; Seconded by Councilor Calnon

## Discussion:

**Councilor Rabideau** said I'd like to go over some of the things that I have a problem with in reference to voting on this tonight. We had a work session and presentation by Jonathan Ruff on April 5<sup>th</sup> and during that work session I had several questions that I asked Mr. Ruff and he answered. We had two Councilors by the way that could not make it for valid reasons and good reasons. They weren't at this presentation. That was on April 5<sup>th</sup> on April 6<sup>th</sup> I emailed Mr. Ruff and asked him to provide some costs. Now I realize someone can say well the cost we're not voting on the cost. I asked him to provide the costs involved with moving ahead with the sludge program at the plant. And I asked specifically for a breakdown of the cost; the costs involving labor, repairs, equipment and chemicals. Now these questions came up because he gave us in the presentation the process that would take place. He convinced us about odors and so forth, but, thinking about the process we also, in my mind, should be voting with what costs are involved and how far this project is going. And I asked for a breakdown on the costs. He was out of town and he emailed me back with a couple large figures that involve the alkaline treatment separately from the total compost plant work being done and based on that I have questions that I wouldn't mind asking Mr. Ruff in person. Well on April 12<sup>th</sup> I received an email, from the Mayor, saying that Mr. Ruff would be unavailable for the next 2 Common Council meetings to answer questions. I realize you could ask these questions before tonight but they're not a matter of record on a Common Council recordings and account for tonight if you ask them before. Maybe someone would like to ask them on record, some of the questions. Some of the questions, by the way, that I wasn't given the answers to a breakdown on the costs. Somebody else might have some questions; the news media may have some questions. So the mayor informed us that he wouldn't be here and also the subject of tabling this was brought up. I feel that I'd like to see this tabled until we can have Mr. Ruff, who's in charge of this whole program, the department head who's unavailable and I can understand him not being available that's fine I don't have a problem with that. But I just think he should be here so we can ask questions so if someone should be here that wants to ask questions they can and other councilors that weren't at the presentation. I'm just going to throw that in that's their business if they have questions. Sometimes when you're at the meeting and someone else is talking you think of additional questions that you might want to ask. Well this person is not going to be here to answer that and for that reason I'd like to table it until Mr. Ruff returns and vote on it at that time. Now, I don't want this to be taken that I'm against the permit process in anyway. All I'm asking for is more time so that we can discuss more of the issues involved with this total project. I realize the permit process does not demand that we have to have these specific costs that I'm asking for but we still have a right to address questions and we can't address those tonight because he's not here. So I'm asking to table this for 2 weeks until he returns so we that we can discuss directly with Mr. Ruff any questions that should arise.

## Motion to table

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

**Councilor Carpenter** said Yes I am voting to table it.

**Councilor Tiffer** said Yes.

**Councilor Rabideau** said Yes.

**Councilor Calnon** said I'm going to vote No and I'm going to tell you why. The issue before us has nothing to do with money has nothing to do with implementation. It is about the environmental review of a permit application. So basically the question before us is: is the SEQR paperwork that has been prepared accurate and complete? Does it accurately state the probable size of the impact to the proposed project? Does it include an explanation of any minor and or large environmental impacts and does it discuss how they will be handled? And the answer is just that, we're talking about just the environmental review. We're not talking about the project. The project is months and months and months away. We've got to have the permit first before we can even have a discussion about. What we're trying to do is we're trying to get an idea of what Environmental Conservation department will tell us our limitations are. Within that, then we get to figure out how much money we want to spend where do we want to spend it. I think we've got adequate information about the environmental impacts and the fact that the paperwork before us clearly represents a minor impact and discusses how each of those minor impacts will be dealt with. So I'm voting no on tabling because I believe we have enough information before us. As you said, we're not in the business of authorizing the plant to open, we're not spending any money yet, we haven't gotten the final design. Because frankly, our design will depend on what the DEC tells us we can do within our two permits and so because it is just a SEQR review, I'm going to vote no on the table.

**Councilor Case** said No; I want to move the process of the permit requirements ahead and anything after that we'll be discussing based on DEC's decision.

**Councilor Jackson** said I'm also going to vote No because I attended the presentation on the 5<sup>th</sup>. I think that due diligence wise we've done everything that we needed to do to prolong this for really no reason. Because as you said yourself, George, we're not voting on spending a nickel here. We're voting on forwarding the permit modification based on the SEQR review of the impacts. And it has nothing to do with implementation it has to do with moving the process forward. No.

(Councilor Carpenter, Tiffer and Rabideau voted in the affirmative. Councilor Calnon, Case and Jackson voted in the negative.)

**Mayor Kasprzak** said he would be more comfortable with Jonathan Ruff here so I am voting yes to tabling.

(**Mayor Kasprzak** broke the tie in the affirmative.)

**ACTION TAKEN:** Tabled  
**Follow up Action:** None

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## **8. TRAVEL REQUEST:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves three

Police Officers to attend the “One on One Q & A Session with Ford Motor Company and Delacy Ford’s product specialists to see the Next-Generation Police Interceptor Vehicle” in Syracuse, NY from April 26-27, 2011 at an estimated cost not to exceed \$650.00 and will be paid out of the Asset Forfeiture Fund (Travel expense).

By Councilor Calnon; Seconded by Councilor Case

Discussion:

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Request from Bill Treacy, Manager MLD to award Randy Schaffer, PMLD Bid No. 2011-3-2 “Salvage and Scrap Substation Transformer” in the amount of \$3,958.
2. Request from Bill Treacy, Manager MLD to award George Moore Truck and Equipment, PMLD Bid No. 2011-3-3 “Salvage and Scrap Substation Switchgear” in the amount of \$1,418.
3. Request from Police Chief Desmond Racicot for two Police Officers to attend the “DEA Advanced Narcotics Leadership Seminar” in Long Shore, NY from May 2-6, 2011 at an estimated cost not to exceed \$1,164.00 and will be paid out of the Asset Forfeiture Fund (Travel expense).
4. Request from Bill Treacy, Manager MLD to attend the “NYMPA 14<sup>th</sup> Annual Meeting” in East Syracuse, NY from May 18-19, 2011 at an estimated cost not to exceed \$285.

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## **10. NEW BUSINESS:**

**Councilor Jackson** introduced local law imposing a 6 month moratorium on the installation of digital signs.

**Mayor Kasprzak** said this was discussed at the work session and unanimously supports the fact that we are going to schedule a public hearing.

**Mayor Kasprzak** sets a Public Hearing on April 28, 2011 at 5 pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh New York to hear public comment on a local law imposing a 6 month moratorium on the installation of digital signs.

**Councilor Carpenter** said how long exactly did we table that and what meeting is it that Jon will be back for?

**Mayor Kasprzak** said Jon won’t be here next week he’ll be back for the 28<sup>th</sup>.

**Councilor Calnon** said actually it's a question for Mr. Clute. Now that we have resolution that's on the table; are there any restrictions about when that can be removed from the table and are there any limitations on the discussions to remove it from the table?

**Corporation Counsel John Clute** said I don't think there's any debate on removing it from the table it's just like the initial to table. I'll have to check your special rules, but, I think that when something's tabled that it's only tabled for a limited period of time. I can't remember if it's one or two weeks.

**Councilor Calnon** said that was kind of my point maybe it should have been postponed date specific.

**Mayor Kasprzak** said so next week then.

**Councilor Calnon** said we pull it off but there's no reason why we couldn't retable.

**Corporation Counsel John Clute** said you could do that or you can all agree to clarify the motion that was passed to postpone rather than table.

**Mayor Kasprzak** said we made the decision so we will have to.

**Councilor Rabideau** said table again.

**Mayor Kasprzak** said well if the votes are there for it next week. Mr. Ruff won't be here until the 28<sup>th</sup>. So we will put it back on for next week, you can remove it from the table or not.

**Councilor Rabideau** said part of my motion was to table it until he returns.

**Councilor Calnon** said it's not a table.

**Councilor Carpenter** said tabling is one week.

**Mayor Kasprzak** said we didn't get specific at that point.

**Councilor Calnon** said it should have been postponed, I think, George. The way our rules are you can postpone to a specific date but a table is one week.

**Mayor Kasprzak** said a table is one week.

**Councilor Rabideau** said again I'd like to reiterate that don't misconstrue my reason for tabling it, that's all.

**Mayor Kasprzak** said I'm going to defer to Mr. Peters. We have 3 events this weekend and without me making any mistakes with them all, I would rather have him give you specifics on Half Marathon, the Motorsports show and Earth Day activities.

**Recreation Superintendent Steve Peters** said the Motorsports show is Friday night 6-10, Saturday 10-6. Earth Day festivities are also downtown on Saturday pretty much all day. I wanted to remind everyone that



our second annual Plattsburgh Half Marathon is Sunday morning. All of the churches have been contacted and letters have gone out to all the residents of the city in the Municipal Lighting bill so everybody should be aware of it. But, we have volunteers at every intersection and there are a number of intersections that are only going to be closed for a few minutes. By about 9:45 or so the herd should be by Saily Avenue, Cumberland Avenue and downtown so there won't be any real cross traffic and intersection issues once they get to Cumberland because it does wind back along the way to the City Recreation Center. So if you can get the word out to anybody that might be out Sunday morning just remind them that there is this race going on. Best advice that I can give anyone is if you can get to Rugar Street we do have two-way traffic on Rugar Street so you can pretty much get to center city using Rugar Street via Oak Street or North Catherine. We have about 1000 people coming 18 states are represented. We have folks coming from all over from California, Utah, Illinois, Virginia, and the Carolinas, all of New England. So we are starting to grow this some more and it should be a nice event. There is a charity component which Stephanie and Jen are fund raising for and its going to be somewhere in the \$30,000 to \$40,000 range by the time we're done.

**Councilor Jackson** said Steve did you get any Canadian entries.

**Recreation Superintendent Steve Peters** said not a single Canadian. We tried we sent letters to all the running clubs.

**Councilor Carpenter** said Steve can you take a second and explain just a little more about the Motorsports show is.

**Recreation Superintendent Steve Peters** said Mike Perrotte from Airborne Speedway every year does a car show all the race cars and drivers and generally draws a pretty good crowd.

**Mayor Kasprzak** said Mike Perrotte has been one of our mainstays for years with this show. He is just very appreciative of what Steve's staff does and Mike's staff and he keeps coming back because he sees results that are very positive and he enjoys it out there and he has a big draw.

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## **11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED: 5:58 pm**